REMARKS

This is in response to the Office Action mailed on October 4, 2005, and the references cited therewith. Claim 7 is amended to correct a spelling error. Such amendment is not related to patentability and is not narrowing.

Claims 1-23 are pending in this application. Applicants do not admit that the cited references are prior art and reserves the right to swear behind the references at a later date.

Claim Objections

Claim 5 was objected to because of the following informalities: Line 2 and 3 of claim 5 recite "the frame buffer to include". The Office Action indicated that "[t]his is grammatically incorrect in context." Office Action at ¶1. Applicant submits that this is not grammatically incorrect and respectfully requests further clarification or removal of the objection.

Claim 7 was objected to because of the following informalities: Line 16 of claim 7 recites "received from the video source". The Office Action indicated that "[t]his is a spelling error." Office Action at ¶2. Applicant has amended claim 7 to correct the spelling error. Applicant respectfully requests that the objection be removed.

§102 Rejection of the Claims

Claim 1-7, 11 and 12

Claims 1-7, 11 and 12 were rejected under 35 USC § 102(b) as being anticipated by Ozawa (U.S. Patent 5,757,364). Applicant respectfully traverses this rejection.

Among the differences, claim 1 recites "a logic, separate from the rendering engine, to merge at least one background color with the foreground of the image." With regard to claim 7, among the differences, claim 7 recites "a background merge logic, separate from the rendering engine . . . to merge the at least one background color received from the video source with a window of the rendered foreground image to generate the merged image." The Office Action indicated that this limitation is disclosed by element 304 in figure 1- the double-buffer controlling part 304. See Office Action at ¶5 and ¶10.

In Ozawa, the double-buffer controlling part 304 does not merge a background color with the foreground. The operations of the double-buffer controlling part 304 are described at column 6, line 53- column 7, line 21 with reference to FIG. 7. The double-buffer controlling part 304

either displays the output color information from the display plane (the foreground color) or the background color:

> At a step 712, the output 122 of the selector 116 is compared with the value of the display frame No. region. Since the value of the display frame No. region is the frame No. of a frame to be displayed on the present window, if a result 124 of the comparison executed by the selector 118 indicates "agreement", it is permitted to display the present pixel data, otherwise displaying the present pixel data is not permitted. Therefore, at a step 714, if the result 124 of the comparison indicates if "agreement", the selector 121 selects the output 126 of the display plane 114, otherwise the selector 121 selects a background color information 125 designated in the window type table 132, in order to display a background color. (emphasis added).

Ozawa at column 7, lines 2-15.

This is also illustrated at blocks 712, 713 and 714 of Figure 7. Accordingly, either the color from the display plan 114 or the background color is displayed. There is no merger of the two colors.

Accordingly, because the cited references do not disclose all of the claim limitations, Applicants respectfully submit that the rejections of claims 1 and 7 under 35 U.S.C. §102 have been overcome. Claims 2-6 and 11, respectively, depend from claims 1 and 7 and distinguish the reference for at least the same reason.

Claim 16 and 18-21

Claims 16 and 18-21 were rejected under 35 USC § 102(e) as being anticipated by Dawson (U.S. Patent 6,771,274). Applicant respectfully traverses this rejection.

With regard to claim 16, among the differences, claim 16 recites "performing the following operations in a hardware logic that is separate from a rendering engine that renders at least one foreground pixel for a window in the image." The Office Action indicated that the separate rendering engine is disclosed by element 240 in Figure 5. Element 240 is a register for storing a "RGB previously rendered polygon." In other words, the element 240 is storage for data and not an engine for rendering. Therefore, Dawson does not disclose that a separate rendering engine was used to render a foreground pixel. Accordingly, because the cited references do not disclose all of the claim limitations, Applicants respectfully submit that the rejection of claim 16 under 35 U.S.C. §102 has been overcome.

With regard to claim 19, among the differences, claim 19 recites "blending, by a hardware logic that is separate from the rendering engine, the image based on a merger of a background fill pixels with the foreground pixels." The Office Action indicated that this limitation is disclosed by Figure 5 in Dawson. See Office Action at ¶15. Dawson does not disclose a rendering engine that is separate from a hardware logic that performs the blending. Dawson discloses an "RGB previously rendered polygon" that is in a register 240. However, Dawson does not disclose that a rendering engine that is separate from the hardware logic is used for rendering. Accordingly, because the cited references do not disclose all of the claim limitations, Applicants respectfully submit that the rejection of claim 19 under 35 U.S.C. §102 has been overcome. Claims 20-21 depend from claim 19 and distinguish the reference for at least the same reason.

§103 Rejection of the Claims

Claims 8-10, 13-15 and 22-23 were rejected under 35 USC § 103(a) as being unpatentable over Ozawa in view of Dawson. Claim 17 was rejected under 35 USC § 103(a) as being unpatentable over Dawson in view of Ozawa.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do that the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.*

The *Fine* court stated that:

> Obviousness is tested by "what the combined teaching of the references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 878 (CCPA 1981)). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys.*, 732 F.2d at 1577, 221 USPQ at 933. And "teachings of references can be combined *only* if there is some suggestion or incentive to do so." *Id.* (emphasis in original).

The M.P.E.P. adopts this line of reasoning, stating that

> In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation,

> either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

An invention can be obvious even though the suggestion to combine prior art teachings is not found in a specific reference. *In re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992). At the same time, however, although it is not necessary that the cited references or prior art specifically suggest making the combination, there must be some teaching somewhere which provides the suggestion or motivation to combine prior art teachings and applies that combination to solve the same or similar problem which the claimed invention addresses. One of ordinary skill in the art will be presumed to know of any such teaching. (See, e.g., *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) and *In re Wood*, 599 F.2d 1032, 1037, 202 USPQ 171, 174 (CCPA 1979)).

Claims 8-10

Because claims 8-10 depend from and further define claim 7, Applicants respectfully submit that the rejection of claims 8-10 under 35 U.S.C. §103 has been overcome.

Claims 13-15

Because claims 13-15 depend from and further define claim 12, Applicants respectfully submit that the rejection of claims 13-15 under 35 U.S.C. §103 has been overcome.

Claims 22-23

With regard to claim 22, Applicants respectfully submit that the references alone or in combination do not teach all of the claim limitations. Among the differences, claim 22 recites "performing the following operations in a graphics logic having a background color table, independent of operations by the rendering engine . . ." The Office Action indicated that this

limitation is disclosed by element 304 in figure 1- the double-buffer controlling part 304 in Ozawa. See Office Action at ¶25.

As set forth above regarding the discussion of claims 1 and 7, Ozawa does not disclose the merger of the two colors. Therefore, neither Ozawa nor Dawson alone or in combination, disclose or suggest all of the claim limitations. Accordingly, Applicants respectfully submit that the rejection of claim 22 under 35 U.S.C. §103 has been overcome. Claim 23 depends from claim 22 and distinguishes the reference for at least the same reason.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2103 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4th day of January, 2006.

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